

Minutes of the Taunton Conservation Commission October 18, 2021

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Joshua Borden, Richard Enos, Luis Freitas, Matthew Haggerty, and Jan Rego. Conservation Agent, Michele Restino and Recording Secretary Denise Irving also present.

Motion to approve the minutes of the September meeting. DB, second MH so voted.

Continued Violation:

10 Mineral Street, Violation for blocking of city culvert with tree trunks & couch pillows & altering Cobb Brook channel, discuss fines. Ann Rust-Grealish, 10 Mineral Street present. ST asks for an update from Ms. Grealish. She stated she called CEC Engineers today and Corey Medeiros will be out for 12 weeks. ST states that we can't keep continuing and that Ms. Grealish needs to be more pro- active in obtaining an engineer. ST asks if the fines have been updated & MR states that the fines list has not been updated and she has heard nothing from any engineer in regards to this project. DB states concern for upcoming winter months. ST instructs Ms. Grealish to contact a new engineer and have him contact MR by Wed. the latest. ST wants an update before the week ends. JB asks do you have a signed contract with CEC? – no nothing. Motion to continue to 11/15/21 LF, JB second so voted.

Continued Certificate of Compliance:

1. 163 Run Brook Circle, Run Brook Development, LLC, COC, SE73-2859 to close the Order of Conditions. Chris Moniz present. Motion to approve JB, JR second so voted.

Motion to go out of order JB, JR second so voted.

2. 838 Caswell Street, Aspen Properties Investments, LLC, COC, SE73-2775 to close the Order of Conditions. Chris Moniz present. Motion to approve JB, second RE so voted.

Motion to go out of order JB, JR so voted.

Certificate of Compliance:

1. 216 Plain Street, Aspen Properties Holdings, LLC, COC, SE73-2747 to close out Order of Conditions. Chris Moniz present. Motion to approve JB, second MH so voted.

Motion to return to order DB, JR so voted.

Continued Certificate of Compliance:

1. 630 Burt Street (Lot 1), Mason/Eastside Investments, LLC, COC, SE73-2893 to close the Order of Conditions. Motion to continue to 11/15/21 JB, second DB so voted.

2. 620 Burt Street (Lot 2), Mason/Eastside investments, LLC, COC, SE73-2894 to close the Order of Conditions. Motion to approve DB, second MH so voted.

Certificate of Compliance:

1. 187 Quequechan Road, Glynn, COC, SE73-2939 to close the Order of Conditions. Motion to approve DB, second LF so voted.

2. 342 Winthrop Street, Rishiv Inc. – Riaan Realty Trust, COC, SE73-2648 to close the Order of Conditions. Motion to approve DB, second MH so voted.

3. 21 Walker Avenue, Molin/Copeland, COC, SE73-2933 to close the Order of Conditions. Motion to approve DB, MH so voted.

4. 124 Tremont Street, Goncalves, COC, SE73-2683 to close the Order of Conditions. Wanderson Goncalves present. Motion to approve DB, second MH so voted.

Motion to go out of order JB, second RE so voted.

Public Hearing:

1. 124 Tremont Street, Goncalves, NOI, SE73-2948 to construct a 10'x12' shed. Wanderson Goncalves present. ST will you be storing any chemicals? – no. Motion to approve with Special Conditions 1-5, 19, 21, 25-27. JR, second RE so voted.

Motion to return to order DB, second MH so voted.

Public Meeting:

1. 1765 Bay Street, Mellon, RDA, DSE-1284 for outdoor storage area with millings on top of gravel, enclosed with chain link fence. John Marchand, Farland Corp. present. DB asks what will be stored? Any chemicals? – Campers, RV's & no storage of chemicals. Motion to issue a negative determination with Special Conditions 1-4, 18-19. JB, second MH so voted.

2. Lot 4 Crystal Lane (Assessor's Lot 21-71), Taunton Land Co., RDA, DSE-1285 for construction of SFH with sewage disposal system. Greg Bunavicz, Borderland Engineering present. Order of Conditions is still open on the roadway and ANRAD has been approved. Motion to issue a negative determination with Special Conditions 1-4, 18 -19. JR, second LF so voted.

3. 1560 Somerset Ave., Federal National Mortgage Association, RDA, DSE-1286 for septic system upgrade. Darren Michaelis, Foresight Engineering present. Bank owned property previously a multi- family, now back to a single family. Motion to issue a negative determination with Special Conditions 1-4, 8, 14, 18-19. DB, second JB so voted.

4. 260 Scadding Street Lot B (Assessors's Lot 20-43), Cornaglia, RDA, DSE-1287 for construction of a SFH with sewage disposal system. Ray Francisco, RLF Engineering present. Well and grading within the buffer zone. Motion to issue a negative determination with Special Conditions 1-4, 14, 18-19. RE, second JB so voted.

5. Stanley Avenue (Assessor's Lot 54-350), MRH Holdings, LLC, RDA, DSE-1288 for construction of a duplex with associated driveway and utilities. Jeff Tallman, NEC present. Water and sewer within the 100' buffer. The ORAD has expired but hasn't changed. ST where does the water flow? – Nothing on the abutters. DB You are raising 4'? – it is outside of the buffer and will not affect the neighbors. Will have less run off and directed to property to the west. JB outside of our prevue and has no issues. DB have you spoken to the neighbors? – No we have not. Motion to issue a negative determination with Special Conditions 1-7, 14, 18-19. JB, second RE, DB No so voted.

Amendment:

1. 19 Ingell Street, Binda/Binda Realty, AMEND OOC, SE73-2922 to construct a triplex and duplex instead of two duplexes. Brian Dunn & Tracy Duarte, MBL, Mike Binda, owner, & Bill Ambrose, owner present. Was approved for two duplexes.

Presented new design with reduced foot print and increased compensatory storage. DB – how much closer to the wetland? – 37'. JB – did you go to Planning Board? Feels should be getting a Special Permit from the Planning Board first, states just his opinion feels valuable time is being wasted. Brian Dunn states we have to start somewhere. DB states the project was approved by the Conservation Commission and the Planning Board but the project has now changed. ST - More impervious surface & closer to the wetland? MR – yes. DB states she would have to vote no as it stands. JB would like to see them try to drop the impervious area to 1000 SF as approved for the duplexes. ST feels they should tweak it and come back in November. Brian Dunn requests continuance to 11/15/21. Motion to approve continuance DB, second RE so voted.

Continued Public Hearing:

1. Winthrop Street (Assessor's Lot 103-28), D.I. Trust II, NOI, SE73-2921 for one infiltration basin in association with a proposed 135 SFH lot subdivision on parcels in Dighton. Applicant requested a continuance until 11/15/21 meeting. Motion to approve JB, second DB so voted.

2. 21 O'Connor Street, Long, NOI, SE73-2945 to construct a 24'x30' garage on slab with a 10'x 10' breezeway. Nyles Zager, ZCE and Tom Long, owner present. DB – how far from the wetlands? – about 50'. DB no closer than 25'? – No. Motion to approve with special conditions 1-5 DB, second RE so voted.

3. Short Street (Assessor's Lot 28-62), Liberty & Union Realty Trust, NOI, SE73-2944 to construct a SFH including driveway crossing over the BVW twice. Jeff Tallman, NEC present. Project has two wetland crossings and dealing with NHESP in regards to the paved access driveway and endangered species. ST asks what the acreage of property is? – 13.5 acres. DB this property is land locked do you have right of way? – Yes on Short Street. Jeff states that they have the right to use that easement. Two open bottomed box culverts will be built to help with the blue spotted salamanders crossing and also currently working with NHESP on this issue. Working with Fire Dept. for clearing width and additional flags have been hung. JB asks if we have a letter from Captain Robert Bastis. Yes – MR has. ST read letter. Motion made to make the letter part of the record DB, second RE so voted. DB asks is there is any easement or conservation restrictions on the property? Jeff states that back in 2010 there was a restriction for alteration to the Riverfront. That is all he is aware of. MR states that the Natural Heritage letter is required

before issuing an Order of Conditions and that this is a big endangered species area. Jeff disagrees that the Natural Heritage letter is required for Conservation approval and feels the Commission should approve so the project can commence. MH asks what about the test pits? Jeff would like to get approval first, partially construct the drive and then do the test pits when conditions warrant. ST asks so if you test in the warmer weather and it doesn't pass that's on you. Jeff states yes. ST states then that is our safety net – if it doesn't pass then so be it. JB would like to make a condition for an amended plan once the perc test is done. DB is reading from the Natural Heritage site – we should not issue an Order of Conditions prior to their comments. Once their comments are received the Commission may decide to issue an Order of Conditions. ST asks for Public Input. Virginia Young, 1092 Norton Avenue – Has many concerns and has documents to back up anything she says here. Mr. Rounds stated at the ZBA 2012 hearing that the original intent was to develop a subdivision but found it unfeasible due to the soil conditions, wetlands & topography. If Lots 1 & 2 were approved the rest was considered unbuildable and nothing in the future would be done with that remaining land. Mr. Rounds recently went to the Planning Board on 10/7/21 ignoring the compromise of 2012 with the ZBA and states there is useable uplands on the previously stated unbuildable lot. The land has remained the same. There are no contour lines showing on the new plan where they are proposing to build. She feels this request is no hardship just greed. Also mentions that there are 12 State Endangered Species, 3 Globally Rare Species & 1 Federally Protected Species on this property. Also stated that you can't train salamanders to use the culverts.

JB states that there are useable uplands and disagrees with Ms. Young. He has walked the land. ST states he doesn't care what Mr. Rounds might say to other boards. He cares what is said to the Conservation Commission. This is all just heresay. Ms. Young states again that she has documentation to back up what she has said and will bring the documents to MR in the morning. Tom Bernier, 78 Country Way has concerns about gas and oil when driving over the wetlands. Sam Delgado, 895 Norton Avenue states he is in favor of the project. Richard Castro, 54 Short Street states Mr. Berube placed a restrictive covenant on 4/7/10 on 21,100 sf to be enforced for 30 years. On 3/12/12 the ZBA voted to allow two house lots but the rest of the acreage was deemed unbuildable. Motion was made to include the ZBA decision as part of the record DB, second JB so voted.

Also he has concerns in regards to the common driveway and the hazard it could cause to our public servants. Mr. Castro suggests that the land could be donated and then would be a tax deduction for Mr. Berube. Jeff Tallman states that the ZBA decision of 2021 supercedes the 2012 decision. He understands all the risks with the road, test pits and Natural Heritage. JB states the following Special Conditions that should apply if approved by the Commission. 1-5, 7-9, 14 (including planting plan & 1:1 replication at request of Natural Heritage), 17, 19, 21, 25-27, 29, 31, 34, 37, 39-42.

JB asks if there is a homeowners association – no, just the easement agreement. DB states from our bylaws 3.8.4 that the Commission shall not render a decision on a project until NHESP has submitted comments or the comment time has expired. If we approve this we are going against our own bylaws. JB made a motion to approve with Special Conditions and with amended plan of full design build out. JB, no second. DB states again no decision should be made, it's in our bylaws. JR states it's no different than issuing a decision without a DEP number. Motion to approve JB, second JR so voted. Jeff Bianchi 363 Lothrop Street asked to speak – he is opposed to the project because of the endangered species. Roll call vote was requested by ST: JR yes, LF yes, RE yes, JB yes, MH no, DB no, Motion passes 4-2.

JB steps down

Public Hearing:

1. 0 Herbert Street (Assessor's Lot 106-173), Mota, NOI, SE73-2947 to construct a SFH with driveway, septic, utilities, retaining walls, & associated grading. Brad Fitzgerald, SFG Associates present. RE asks what about the boulders? – Excavator will be used and they will be kept on the lot out of the way. Letter from abutter Dr. Sherri Almeida was read. Motion to make letter part of the record DB, RE second so voted. Motion to approve with Special Conditions 1-6, 8-9, 16-17, 19, 21, 24-27. DB, second MH so voted.

JB back in

Motion made to go out of order DB, second MH so voted

2. 1 Mill Lane, Hallisey, NOI, SE73-2946 for a septic system repair. Brad Fitzgerald, SFG Associates present. Abutter – name unknown had some questions in regards to the placement and elevations – Title 5 10' off property line and elevations on the provided plan. Concerns for storage of equipment and materials. Special condition will be added that access should be thru Alfred Lord Blvd. Motion to approve with Special Conditions 1-5, 8, 16-17, 19, 21, 24-27, 38. DB, second RE so voted.

Motion to return to order DB, second MH so voted.

3. 194 Run Brook Circle, Moniz/Run Brook Development, NOI, SE73-2951 to construct a duplex with sanitary system, roof recharge system, driveway, utilities, & grading. Chris Moniz, Run Brook Development, LLC present. The Commission requests an updated compensatory storage plan & will be added as a special condition. Motion to approve with Special Conditions 1-9, 18, 19, 21, 23-27, 31, 38. DB, second JB so voted.

4. Tremont Street Lot 3 (Assessor's Lot 41-64), Hawthorne Development, Inc., NOI, SE73-2952 for construction of a SFH with driveway, septic, & utilities. Jeff Tallman, NEC present. JB & MR went to site and talked with Mrs. Pineo. Addressed concerns in regards to run off water and the drainage ditch. The way it is designed should not impact others property. Public input: Al Williams, adjacent to 565/567 Tremont Street. States there are spotted turtles, but not an endangered species. Also has rusty water and doesn't know where it is coming from. Is it iron? From the culvert? He has no opposition to building just wants to make sure it is done correctly. Motion to have the DPW check the culvert DB, MH second so voted. Motion made to approve with Special Conditions 1-5, 7, 8, 17, 19, 21, 25-27. JB, second RE so voted.

5. Winthrop Street Lot 4 (Assessor's Lot 101-39), Dora Estates, Dora Estates, LLC, NOI, SE73-2949 for construction of a three unit residential building. Jeff Tallman, NEC present. JB states storm water report requested by DEP – has no issue. Where will the snow be stored? Snow will be put in the island of the cul-de-sac to melt. Motion to approve with Special Conditions 1-7, 17, 19, 21, 25-27, 29-31, 38 JB, second DB so voted.

6. Winthrop Street Lot 5 (Assessor's Lot 101-36), Dora Estates, Dora Estates, LLC, NOI, SE73-2950 for construction of a three unit residential building. Jeff

Tallman, NEC present. Snow storage will be the same as for Lot 4. Home Owner's Association will be in charge of the detention basin and is listed as a special condition. Motion to approve with Special Conditions 1-7, 17-19, 21, 25-27, 29-31, 38. JB, second RE, DB no, so voted.

Continued Violations:

1. 248 Tremont Street – cutting trees, clearing brush, and adding fill within the Riverfront Area. Homeowner not present. Motion to continue to 11/15/2021 by DB. JB asks if we are fining him and was he served. MR states that the owner was served and we are not fining him yet. DB asks to amend her motion to also include starting fines from the time the owner was served by the Constable in hand. DB, second JB so voted.

2. 9 Old Colony Avenue - cutting trees within the wetlands and associated buffer zone. No one present. Owner has requested a continuance. He is waiting for the tenant to leave so they may enter the property to clean it up. Motion to continue to 11/15/2021 DB, second RE so voted.

3. 19 Old Colony Avenue – Owner present. Clean up has been completed. Motion to remove the violation JB, second DB so voted.

Continued Enforcement Order:

1. 34.5C Briggs Street – John Kombo present. MR and Mr. Kombo met two weeks ago on site, things look fine and the area is stable. MR recommends that the Enforcement Order be removed. Motion made to remove the Enforcement Order DB, second MH so voted.

Other Business:

1. Land Donation – Anthony & Sheila Abreau would like to donate to the City of Taunton Conservation Commission a 6.30 acre Snake River waterway and land property located off of Field Street. Motion to accept the land as a donation and have MR write a thank you to Tony and his wife. DB, second JB so voted.

2. Sub-Committee For By-Law Revisions – Meetings for by-law revisions will take place prior to the Conservation meetings or on Tuesday evenings. LF, JB, DB will be on the committee and MR will also attend these meetings. ST requests that he be kept up to date on the progress. Motion to approve LF, second RE so voted.

3. Notice of Intent to sell land taxed under Chapter 61 (Tremont & Glebe Streets 30-37) & convert to residential use. – Motion made to refer this to the Legal Department for review and follow the wishes of the City. RE, second LF so voted.

4. Bunk Pond Discussion – Motion made to invite the City Solicitor, David Gay to the 11/15/21 meeting for discussion. JB, second MH so voted.

5. General Discussion - MH would like to see a communication from a board if they are going to refer something to the Conservation Commission. Would also like to know the order of what board the applicant should go to first in the process. Some type of a flow chart would be helpful. ST states that he still wants to meet with the Chairman's of the Planning and Zoning Boards to discuss this. Is a public meeting required? – No, if it's three or less people it won't require a public meeting. ST would like MR to be there. DB suggests that ST put together a check list to share of what other boards might do.

Motion to adjourn at 9:20 pm JB, second LF so voted.

